if there is jurisdiction over the plaintiff, as must be the case if she has acquired a domicil, the decree will be effective as to her status, and consequently under this rule the husband is married but the wife is not. *People* v. *Baker*, 76 N. Y. 78. See *Dunham* v. *Dunham*, 162 Ill. 589, 606. The difficulty of service on which this New York doctrine is based is, however, purely imaginary, and the Supreme Court has very recently quite properly overruled this doctrine so far as it concerns the states of this country, on the ground that it does not give full faith and credit to the decrees of another state. *Atherton* v. *Atherton*, U. S. Sup. Ct.; decided April 15, 1901. Jurisdiction for divorce is more properly not personal, but *quasi in rem*, and therefore no personal service is required, but only the best possible practical notification to the defendant of the pendency of the suit. *Doughty* v. *Doughty*, 27 N. J. Eq. 315; Minot, Conflict of Laws, §§ 87, 94. This follows from the source of the jurisdiction and the nature of the subject-matter. For, since domicil of the plaintiff gives jurisdiction over her status, if the decree is to have any effect at all, it must likewise operate upon that of the defendant, as the status is a correlative one and cannot exist except there be two parties to it. But this personal element of the proceedings cannot be entirely disregarded, and thus it is only requisite that the defendant be given a reasonable chance to come in and defend the suit. If this is done, the decree is valid and entirely dissolves the marriage.

The invalidity of the decree in the above case, however, may be readily supported upon another ground, not adequately noticed by the court. It appears that no domicil was ever obtained in Oklahoma by the wife, and thus on this ground the decree was clearly void as to all parties. No domicil can ever be acquired by a person going to another state merely with the intention of obtaining a divorce and then returning, for there cannot be found in such cases the requisite *bona fide* intention to make a permanent change of home. *Jennison* v. *Hapgood*, 10 Pick. 77, 98. It makes no difference that the statutes of the state provide for granting of divorces upon a residence within the state of a fixed number of days. That can give no jurisdiction which another state ought to recognize. Divorces granted in all such states except to parties *bona fide* domiciled therein are utterly void, and should be fearlessly treated so everywhere. *Bell* v. *Bell*, U. S. Sup. Ct.; decided April 15, 1901. Such action would have a wholesome effect upon the all too loose divorce conditions existing in this country to-day.

CONTROVERSIES BETWEEN STATES. — When the Constitution was first adopted, the individual states comprising the Union gave up many rights usually enjoyed by independent states, as, for example, the right to make treaties or to declare war. In view of this, the Constitution gave the United States Supreme Court jurisdiction in all suits to which a state should be a party, and thus virtually put the states on the same footing as private corporations in regard to the right to sue or be sued. But under this clause suits were brought against states by private individuals, and as this was thought to infringe upon their rights as sovereign states, the Eleventh Amendment was passed taking away from the United States courts their jurisdiction in such cases. This amendment has, however, introduced an interesting question as to what may constitute the subject-

matter of suits between states. Questions of boundaries have formed the most common disputes before the United States courts. *Rhode Island* v. *Massachusetts*, 12 Pet. 657. It has been held, however, that no private citizen can use the name of his state to enforce a private claim against another state. *New Hampshire* v. *Louisiana*, 108 U. S. 76.

In this connection a recent decision by the Supreme Court is of interest. The State of Missouri, fearing that the operation of a drainage canal built by the State of Illinois would be injurious to the inhabitants of Missouri, filed a bill before the Supreme Court to enjoin such a use of the canal. The State of Illinois demurred, claiming that the State of Missouri was only nominally a party, and as the real parties plaintiff were the riparian proprietors on the Mississippi River, the action was contrary to the Eleventh Amendment. The court held, however, that it was an injury to the state as such, and overruled the demurrer. *Missouri* v. *Illinois*, 21 Sup. Ct. Rep. 331.

In view of the fact that the Mississippi River is a navigable stream, the decision seems clearly right. The bed of the stream is owned by the state, and is held for the benefit of the public generally. But as in the case of a park or a highway, the state is the legal owner of the fee. When, therefore, an act is done which diminishes the value of the river, the state is directly injured as a state, and it is the proper plaintiff in an action to abate the nuisance. The nuisance here is such that, if done within the state by a private citizen, the attorney-general would be the proper official to proceed in behalf of the state. This fact suggests a satisfactory standard of judging where to draw the line. Whenever the act is one which, done by a private citizen, calls for the interference of the attorney-general, then such an act, done by a state, may be the basis of an interstate dispute sufficient to give the federal courts jurisdiction. This test would doubtless be good as far as property rights of a state or rights as sovereign are infringed. It may, however, be objected that the people as such are sometimes injured when the state as a state is not affected, and that in such cases the attorney-general proceeds in behalf of the public generally. As, for instance, where a public corporation, acting in excess of its chartered powers, gains such a monopoly in trade as to threaten the public interests. *Attorney-General* v. *Great Northern R. R.*, 1 Drewry & Smale, 154. A careful examination of the attorney-general's authority, however, shows that in such cases, he does not directly represent the public, but acts as agent of the sovereign, who, as *parens patriæ*, is the proper one to guard such interests. Although the action is in the name of the attorney-general, the state in reality is the interested party. *Jackson* v. *Phillips*, 14 Allen, 539. This being so, the rule suggested seems both safe and practicable.

RIGHTS IN PUBLIC PONDS. — Although comparatively little has as yet been written about the law of ponds, the decisions are hopelessly confused. This is largely due to the fact that, while the tests applied in the law of watercourses are too narrow to be applied to ponds, the courts have tried to carry them over. As an instance of this confusion, in England, it is held that the public have no rights whatever in ponds, while, on the other hand, in Massachusetts, it is said that all large ponds belong to the public, and littoral owners have no property rights in them